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Title: The Grey Area of Ephemera**Author: Roberta A. Cowan****Abstract**

The public face of an organisation and its strategic goals are supported by the production of reports, brochures, posters, flyers, booklets. This material is known as ephemera or grey literature. In the private sector this material is treated in any number of ways, from being ignored after use to being considered a permanent record. Within the realm of government, all of this published material is scheduled in the relevant disposal authority or government directive as being part of legal deposit or equivalent and or being sentenced as archives. This paper examines the role of legal deposit in the collection of ephemera or grey literature.

Using the results of a preliminary study of the deposit of the publications under the statutory requirements produced by the National Archives of Australia, the State Records Authority of New South Wales and the State Records Office of Western Australia, this paper compares the collection of government publications, at the federal and state level as:

- Prescribed by legislative instruments such as legal deposit, government directives, government policy;
- Required by the relevant disposal authorities; and
- Produced by government bodies by the relevant legal deposit libraries as revealed by the library catalogues.

Finally, the paper reflects on the use of ephemera as an historical tool.

Introduction

Visit the head office of an organisation, either in person or online, and information about the organisation will be available in the form of brochures, posters, flyers, postcards, videos or their online equivalents. The information is delivered in easily digestible, very presentable formats and is often changed or updated. Search more deeply, either at the actual location or within the website, and more complex information sources will become obvious, providing a more in-depth view of the organisation. Making this information publicly available is often part of the marketing strategy, and is a means of demonstrating good governance. This information is both public and published.

Baensch defines publishing as “the development and gathering of information, adding value to that information, utilizing manuscript editing, design, digital coding, storing, retrieval for printing, and binding for distribution or retrieval for digital online distribution to a reader as a

consumer of information.”¹ The definition does not include elements that we may have thought necessary for a document to become a publication, that is, a certain format, a certain number of pages, binding, an ISBN,² a certain print run. A publication only needs information in one place to be distributed to a readership outside the organisation. Ephemera “includes a broad range of minor (and sometimes major) everyday documents intended for one-time or short-term use”.³ Grey literature is defined as “literature” produced by organisations “where publishing is not the primary activity of the creating body”.⁴ Ephemera and grey literature can be publications if they are distributed outside the organisation. Ephemera and grey literature overlap, although the latter may contain items such as a one-thousand-page report on the geology of a particular area. Recordkeepers within organisations often deal with ephemeral records which may be the ephemera or grey literature published by other organisations.

Articles and books on the history of Australia aimed at the general public are liberally illustrated with ephemera sourced from various collections in Australian galleries, libraries, archives and museums. Australian federal and state government agencies use ephemera similarly in their main marketing tools. *Memento*⁵ and *The National Library Magazine*⁶, the magazines of the National Archives of Australia (NAA) and National Library of Australia (NLA) respectively, reveal how long Australian governments, federal, state and local, have been producing ephemera. In these magazines are examples of posters used as propaganda in World War II⁷; there is a record of the NAA having published at least 100 copies of the package *Keep the Knowledge – Make a Record*⁸ which included “22,000 booklets and ready reference cards”⁹; the story of Western Australia and federation is told in a leaflet in the NLA collection.¹⁰

To many readers of these and other publications produced by two of Australia’s premier collecting institutions, the NAA and NLA, it may appear that there is a vast collection of ephemera catalogued and stored for future generations.

Publications in Australia are collected into libraries through purchase, donation or legal deposit and into archives through donation or disposition.

This paper compares, at the federal and state level:

- The collection of government publications as prescribed by legislative instruments such as legal deposit, government directives, government policy;
- The collection of government publications from government bodies as required by the relevant disposal authorities; and
- The collection of government publications from government bodies by the relevant legal deposit libraries as revealed by their library catalogues.

Recordkeeping in the federal and state government agencies is controlled. The production of publications is also controlled. In both the federal and state jurisdictions there are relevant agencies that oversee recordkeeping. These agencies raise awareness of their activities and responsibilities and market their business through publications. In order to reveal a general pattern, this paper considers those publications of government agencies that should be using disposal authorities as exemplars of best practice. That is, the federal and state recordkeeping agencies.

Three case studies of recording agencies are reported in this paper, namely the NAA, the State Records Authority of New South Wales (SRNWA) and the State Records Office of Western Australia (SROWA). Three assumptions have been made about the case studies. Firstly, even though the recordkeeping agency used in the respective case study may have an agency-specific disposal schedule for their records, it is assumed that, with respect to the disposal/deposit of publications, an agency-specific disposal schedule would mirror the general disposal for administrative records. The second assumption is that publication rates of all forms of materials have either remained constant or increased. The final assumption made in this study is that all government publications presented as legal deposit copies are processed by the deposit libraries.

Legal deposit

In the western hemisphere, printing on an economic scale developed in the early to mid-fifteenth century. It took nearly a century before the French monarch realised that he could build his library by declaring that a copy of any book published in France must be deposited in the royal library prior to its publication. This decree of François I known as “L’ordonnance de Montpellier”, dated 28 December 1537¹¹ did not yield a complete library collection of all publications. The idea that library collections could be expanded through deposit was used by Sir Thomas Bodley who entered into a private agreement with the Stationers’ Company, a prominent seventeenth century publisher. The agreement meant that the University of Oxford began receiving a copy of first editions of published works from January 1611¹² on the understanding that the copy could be borrowed by the Stationers’ Company for reprinting. Thus began what we now know as statutory deposit, deposit copy and legal deposit.¹³

Publishing in mid-seventeenth century England was not without its perils. There was always a chance that the manuscript you were about to publish would be published by someone else. To prevent this, and as a way to preserve the right to publish, a publisher would register their publication at the Stationers’ Hall, London.¹⁴ These two actions, deposit and

preservation of rights, became linked. Thus legal deposit became historically associated with copyright.¹⁵

The collection of publications through legal deposit has always relied on the publisher sending a copy to the collecting institution. The penalty for not depositing tends to be low and so legal deposit collections are rarely complete. Government publications may¹⁶ or may not¹⁷ be included in legal deposit instruments.

Many countries now have legal deposit legislation. In 1990 there were 139 countries with such legislation.¹⁸ Legal deposit in Australia is a requirement at a national level¹⁹ and within the state jurisdictions under various legislative instruments or executive directives.²⁰

Legal deposit and Australian Government publications

The NLA, in response to their frequently asked question, *Are government publications subject to Legal Deposit?*²¹, informs the inquirer that, although government publications are not covered under the *Copyright Act 1968 (Cth)*, they are subject to collection via statutory instruments.²² It then refers to the Library Deposit & Free Issue Scheme (LDS).²³ Reference to the LDS webpages informs the reader that a total of 36 copies of each publication, irrelevant of format, must be submitted for distribution under the scheme to “the National Library of Australia, State Libraries and publicly funded universities identified under the *Higher Education Funding Act 1988*”.²⁴ The Australian Government Information Management Office (AGIMO), which manages the LDS, further informs government departments that, when publishing any item, the LDS is a mandatory scheme²⁵ and that archiving is mandatory.²⁶ For various reasons, government agencies may not follow the directive of AGIMO. So this non-compliance creates missing or “fugitive documents”.²⁷

Publications of the National Archives of Australia

Under the LDS, publications of the NAA should eventually appear in the collections of the NLA, state libraries, certain university libraries and the library of the NAA. Born digital publications should be permanently archived.²⁸ A search of the publications register managed by AGIMO²⁹ reveals an inconsistent record of deposit of publications by the NAA via the LDS. The following examples illustrate the inconsistency. Of the 22,000 copies of the booklet *Keep the Knowledge – Make a Record*, only three libraries have a copy, namely two federal departmental libraries and a Western Australian government department library. No library covered under the LDS has a copy. Therefore, it appears that for this publication on recordkeeping there is no deposit copy. It is a fugitive document. *Records in Evidence*³⁰, an earlier recordkeeping publication, is listed in the NAA library, the State Library of Victoria and Edith Cowan University Library, but apparently the deposit copy failed to be catalogued at

the NLA. The 1999 digital publication *Recordkeeping Metadata Standard for Commonwealth Agencies*³¹ has been captured under PANDORA.³² So the question becomes: was this record deposited under the LDS following the statutory instrument? These three examples suggest that the deposit of Australian government publications is haphazard.

The statutory instruments that direct disposition of Australian government records are records authorities.³³ The Administrative Functions Disposal Authority (AFDA)³⁴ covers publications and records associated with publications. The AFDA specifically refers to the LDS³⁵ and makes specific provision for born digital publications.³⁶ As part of this first case study, in order to gain an insight into how the LDS was being used by the NAA, data were collected on the number of publications catalogued by the NLA, two state libraries and two university libraries. The Australian National University (ANU) was chosen because it is located in Canberra, as are the NLA and NAA. The State Library of Victoria (SLV) was chosen because it was the first Parliamentary library in Australia.³⁷ Murdoch University and the State Library of Western Australia (SLWA) were chosen because the author resides in Western Australia. The data was collected by using a subject search³⁸ and noting the categories of publication (see Figure 1) and publication date (see Figure 2). This is not a rigorous comparison of the collections. A more in-depth study of the collection would reveal information such as different books in different collections. For example, not all 44 books in the SLV were in the NLA. Table 1 also provides an example of the distribution of three NAA publications in the collections.

The number of publications produced by the NAA over the last 40 years is not known, and so the number of NAA fugitive documents is not known. It is difficult to assume that the NAA did not produce any publications in the 1970s and only 3 in the 1980s (see Figure1). It is also interesting that, as reported by the NLA catalogue, fewer items were published by the NAA in the 2000s compared to the 1990s, whereas the exact opposite is the case as reported by the SLV catalogue.

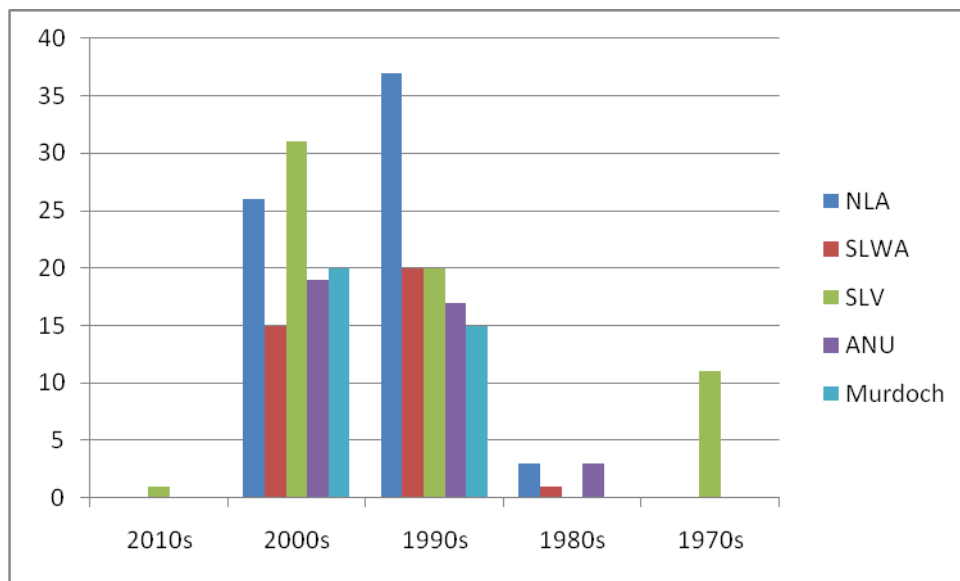


Figure 1: Items published by NAA against publication date as catalogued.

Under the LDS all libraries should have had the same catalogued items, particularly in the mid to late 2000s. However, this is not the case as exemplified by the three items searched for in each collection (see Table 1). Clearly, there are more books in the NLA than in the other libraries (see Figure 2), but the SLV has more items published this century than the other collections (see Figures 1 & 2).

The online collections are an interesting category, particularly at the NLA, with some of the items being part of PANDORA. Many of the 15 online items in the NLA catalogue had hard copy equivalents, but the one item at the SLV did not. As indicated earlier, the AFDA specifically states that born digital publications are to be archived and are not part of the LDS. This does not mean that an online publication should not be referred to by a library as a resource for clients, but any links used must be permanent on the part of the government agency or the NAA. It is noteworthy that the NLA³⁹ and SLWA are the only libraries that collect ephemera in the form of posters (pictorial), postcards and flyers (see Figure 2).

Table 1: The distribution of three monographs within the collections (present = yellow).

	NLA	SLWA	SLV	ANU	Murdoch
National Archives of Australia. (2008). <i>Family journeys: stories in the National Archives of Australia</i> . Canberra: NAA					
National Archives of Australia. (2007). <i>Memory of a nation</i> . Canberra: NAA					
Jones, P. (2005). <i>Chinese-Australian journeys: records on travel, migration and settlement, 1860-1975</i> . Canberra: NAA					

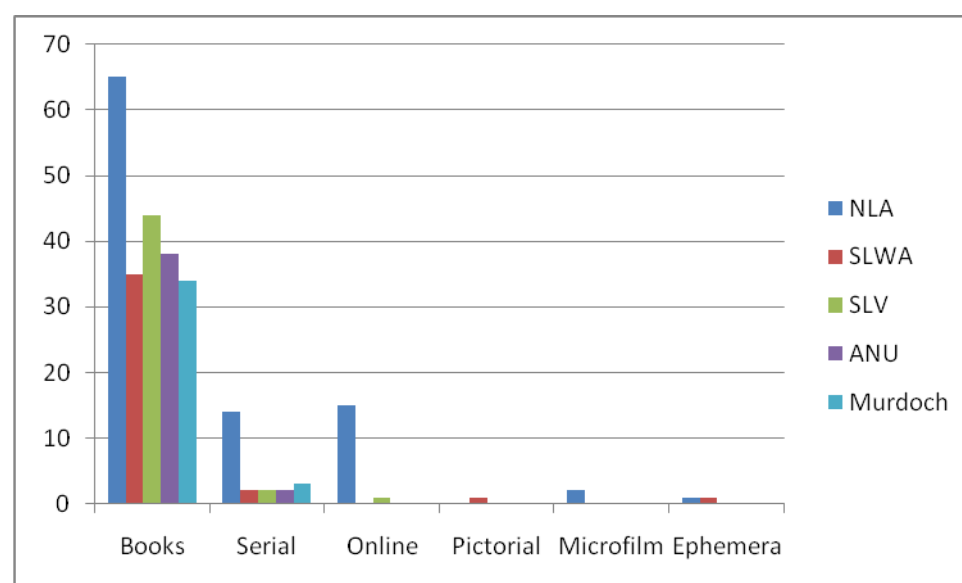


Figure 2: Items published by NAA by publication type as catalogued.

There can be some difficulties in distinguishing ephemera or grey literature from the more 'permanent' publications in the collections. For example, the catalogue that accompanied the photographic exhibition *Strike a Pose*⁴⁰ is available at the SLV and NLA. In both cases the 24-page catalogue is itemised, not as ephemera, but as a book. This is probably because the catalogue has an ISBN, which ephemera are less likely to have. Such an example is *An*

*Ideal City?*⁴¹ which is a teacher's information kit. It has an ephemeral set of cards with an associated booklet and is found in the NLA and SLWA collections.

Legal deposit and New South Wales Government publications

The New South Wales (NSW) *Copyright Act 1879* requires deposit of any publications produced in that state. Public access to, and preservation of, government publications was encouraged by the *Premier's Memorandum M2000-15: Access to published information: Laws, policy and guidelines (library deposit)*.⁴² It requires that government publications are deposited in the national, state, academic (by arrangement the University of Western Sydney library) and agency libraries. In 2009, the State Library of New South Wales (SLNSW) reported that 1,149 books and 1,113 journal titles were deposited by NSW government agencies along with "485 new 'born digital' titles".⁴³ The SRNSW has produced easy-to-read summaries of what publications to keep "as records".⁴⁴

To increase openness and accountability, the *Freedom of Information Act 1989 (NSW)* has been replaced by the *Government Information (Public Access) Act 2009(NSW)*.⁴⁵ This Act is specifically designed to:

- Encourage government agencies to proactively release government information; and
- Create new rights to information that are designed to meet community expectations of more open and transparent government.

Publications of the State Records NSW

In terms of there being a, official body responsible for the government records, the history of recordkeeping in NSW began in 1821 with the appointment of a Registrar of Records.⁴⁶ The position of Archivist came over 60 years later. The first Archives Department was not created until 1953. It was another seven years before the *Archives Act 1960 (NSW)* was enacted.⁴⁷ The Records Management Office was established by 1976. It was not until the *State Records Act 1998 (NSW)*, that the State Records Authority of New South Wales became the NSW Government's archives and records management authority.⁴⁸

Publications produced by the SRNSW are sentenced, as are any equivalent publications from a NSW government organisation, against the *Administrative Records (GA 28)*.⁴⁹ GA 28 Section 2.14.2 states that "one copy of each publication may be placed in the organisation's library. For an explanation of government requirements for access to published information including deposit requirements refer to *Premier's Memorandum M2000-15*".⁵⁰ The booklet accompanying the *Premier's Memorandum M2000-15* defines publication and states that it encompasses "a wide range of formats including: book, report, periodical, newspaper, microfilm, microfiche, pamphlet, leaflet, film, video recording, sound recording, CD-ROM,

computer file, database, publicly networked electronic document, musical score, map, chart, plan, picture, photograph, print”.⁵¹ Furthermore, the booklet stipulates, “This policy requires that every new publication be deposited. If an item is published in more than one format, copies in every format must be deposited”. It also states that six copies of every publication as defined above must be deposited with the SLNSW (2 copies), the NSW Parliamentary Library (1 copy), the University of Western Sydney Library (1 copy), the NLA (1 copy) and the agency library (1 copy).⁵² This policy is for library deposit only. It is not the disposition or sentence for an archive or permanent record. The policy refers to the GA 28 and states that, “agencies must transfer one copy of each of their primary publications to State Records on publication or when reference ceases”.⁵³ The online leaflet *Recordkeeping-in-Brief* 38⁵⁴ states that core business publications will have a disposition under agency-specific disposal authorities, which at times may be at variance with GA-28. It appears that publications of the SRNSW should be collected into the state library collection under M2000-15 and into SRNSW under GA 28.

As part of the second case study, in order to gain an insight into how the *Premier's Memorandum M2000-15* via the GA 28, or an agency-specific authority, is being used by the SRNSW, data on the number of publications catalogued by the SLNSW and the NLA was collected. The data was collected by using a subject search⁵⁵ and noting the publication date (see Table 4 and Figure 3) and categories of publication (see Table 5 & Figure 4). This is not a rigorous comparison of the two collections. It is apparent that the manner of cataloguing items in the SLNSW is different from that of the NLA. To illustrate, pamphlets or booklets published in a series such as the *Archives in Brief*⁵⁶ are catalogued individually at the SLNSW but not at the NLA. This has skewed the data.

Figures 3 and 4 reveal a large discrepancy in the number of items catalogued as books and a large difference in items catalogued in the 1980s and 1990s. As stated earlier, the SLNSW catalogues each issue of *Archives in Brief* as a book, whereas the NLA does not appear to do so. *Archives in Brief* is a series which began in 1989, and so cannot be the reason for the large difference in items catalogued in the two collections in the 1970s and 1980s (see Figure 3). Prior to the introduction of the *State Records Act 1998 (NSW)*, the differences between the two collections should not be as marked as they are if the requirements for legal deposit under the *Copyright Act 1968 (Cth)* were being followed, unless some other government directive was invoked.

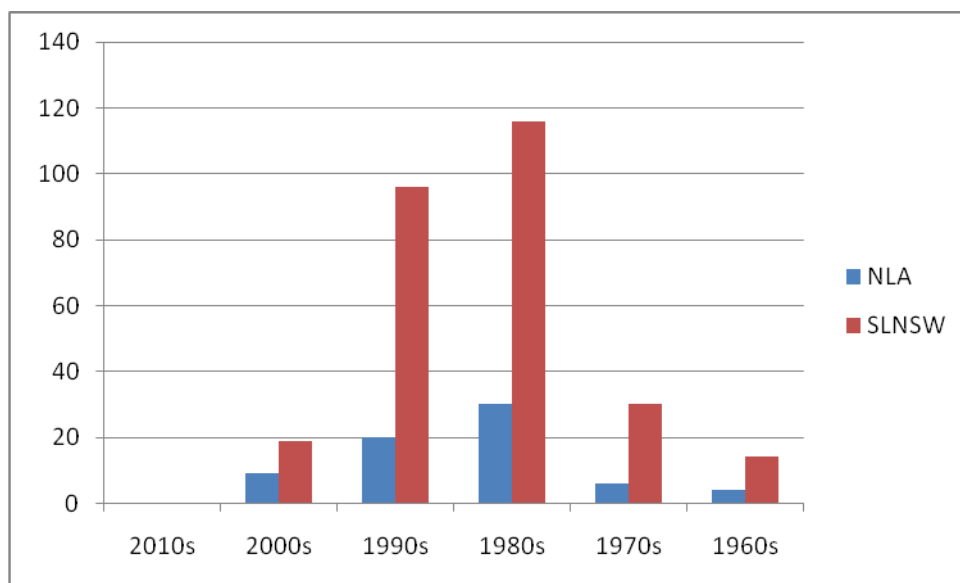


Figure 3: Items published by SRNSW against publication date as catalogued.

Figure 4 reveals a large number of microfilms catalogued in the SLNSW. Only 3% of these are in the NLA. Format is not an issue here since items published as microfilm or fiche are part of legal deposit.

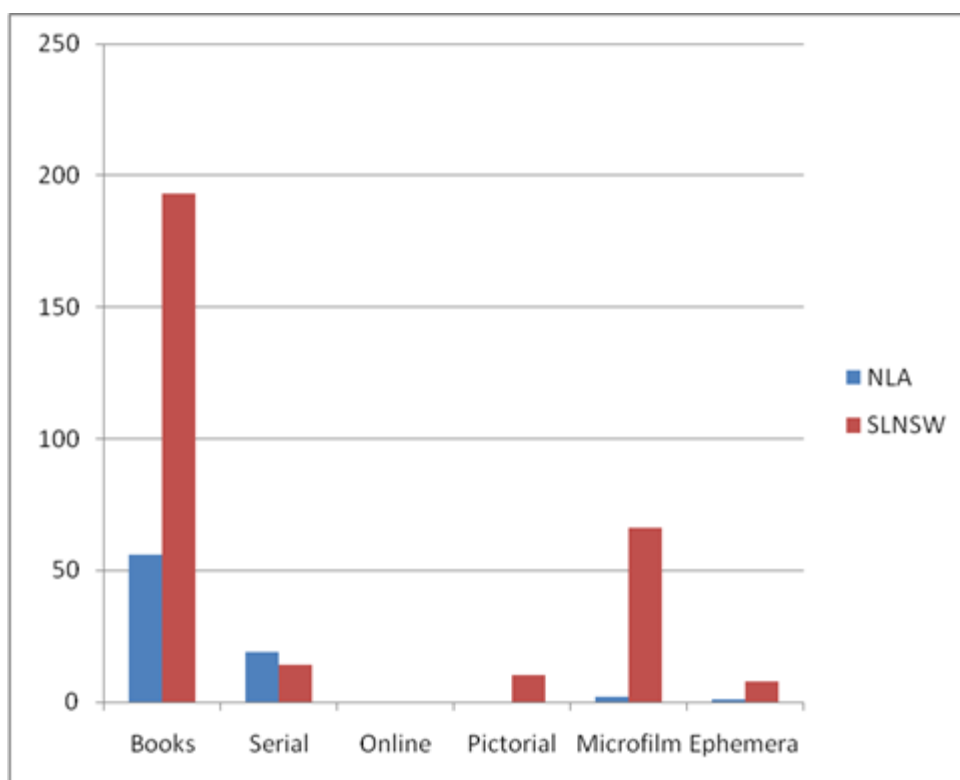


Figure 4: Items published by SRNSW by publication type as catalogued.

The differences in cataloguing do not account for the differences revealed by this survey. While it is true that an in-depth study of the collections may reveal that legal deposit has occurred as per the instructions on a greater number of occasions than illustrated by these data, there does appear to be an unknown number of fugitive documents from the SRNSW.

Legal deposit and Western Australian Government publications

The *Copyright Act 1895 (WA)* had provision for legal deposit of all items published in Western Australia. The Act was repealed in 1994 and with it the legal deposit requirement. The SLWA has been lobbying the Western Australian Government to make changes to the *Library Board Act 1951 (WA)* including provisions for legal deposit.⁵⁷ In order to support the collection of government publications, a number of *Premier's Directives* concerning publications have been issued. At present, non-government items published in Western Australia must be sent to the NLA under the *Copyright Act 1968 (Cth)*. However, they do not have to be deposited with the SLWA.

State government library collections and publications are subject to the provisions of the *State Records Act 2000 (WA)*. This Act requires that all government agencies submit a record keeping plan (RKP) to the State Records Commission for approval. Central to the RKP is the need to clearly enunciate the disposition of records. The SROWA has published a General Disposal Authority for Administrative Records (GDAA).⁵⁸ Within this and the agency-specific disposal authorities, publications are listed as being subject to the *Premier's Directive 2003/17*.⁵⁹ The Directive states "Copies of all publications produced by public sector agencies and statutory authorities are to be deposited with the State Library of Western Australia and the National Library of Australia".⁶⁰ This Directive superseded circulars 1983/53, 1994/38, 2001/08. This indicates that a requirement to deposit government publications in the state collection was in operation long before the repeal of the *Copyright Act 1895 (WA)*.

Publications of the State Records Office of Western Australia

The SROWA is a body whose records management function developed through the 1990s, culminating in the separation of the state recordkeeping function from the state library in 1999.⁶¹ The *State Records Act 2000 (WA)* was passed subsequent to the separation.

Prior to the separation of the SROWA from the state library, publications were produced by the unit which had care of the state archives. Examples illustrating this include an early publication by Lukis⁶², and more recently by the Western Australian Functional Review Committee⁶³ and the State Archives of Western Australia.⁶⁴

The publications from the SROWA are sentenced against the *GDAA*⁶⁵, as are any equivalent publications from a Western Australian state government organisation. The sentence for publications “produced by or for the organisation (including the annual report)” is governed, not by legal deposit legislation, but by the *Premier’s Circular 8/01*.⁶⁶

As part of the third and final case study, in order to gain an insight into how the *Premier’s Directive 2003/17* via the *GDAA* was being used by the SROWA, data on the number of publications catalogued by the SLWA and the NLA was collected. The data was collected by using a subject search⁶⁷ and noting the publication date (see Figure 5) and categories of publication (see Figure 6). This is not a rigorous comparison of the two collections. It is obvious to the author that a more in-depth study of the collections would reveal information such as different items in the different collections.

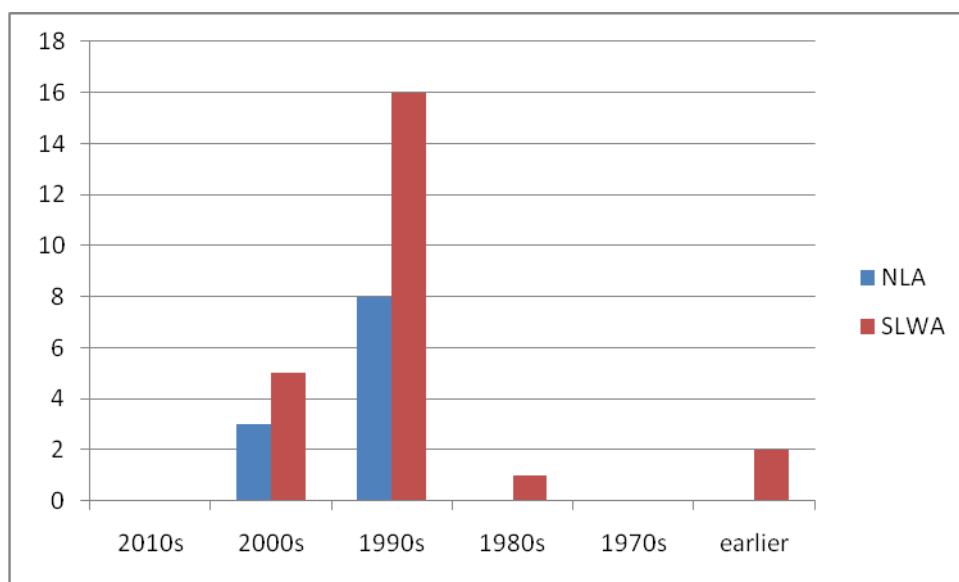


Figure 5: Items published by SROWA by publication date as catalogued.

Figure 5 shows that, although publications are reaching the SLWA, they are not being deposited in the NLA. The exact number of publications that the SROWA and its predecessors have produced is unclear. Therefore, the number of SROWA fugitive documents is not known. The State Archives was under the jurisdiction of the Library Board from 1974 as directed by the *Library Board Act 1951 (WA)*. It would be expected that publications from the State Archives would be deposited with the SLWA. It is difficult to determine why there are no State Archives publications from the 1970s, and only one publication from the 1980s.⁶⁸

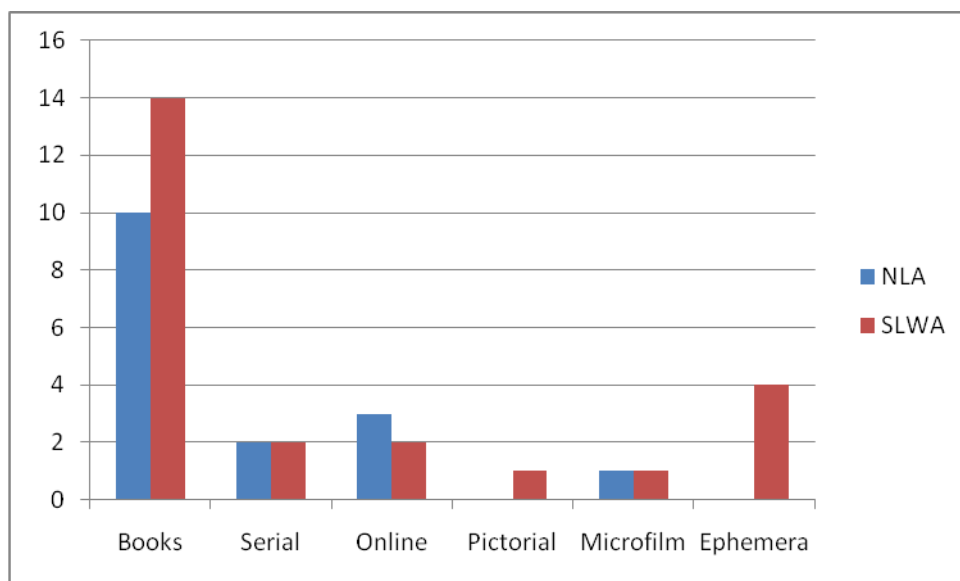


Figure 6: Items published by SROWA by publication type as catalogued.

Collection requirements for government publications

The legislation, regulations and policy that governs the collection of publications differs between the federal and state jurisdictions. It also differs from state to state (see Table 2). This may lead to confusion. For example, in the federal arena all publications are to be deposited in the agency collection, whereas only core publications are required to be deposited in NSW. On the other hand, there is no requirement in WA. With respect to born digital publications, federal government agencies treat them as archives, not as legal deposit. In WA they are treated the same way as non-digital publications, and in NSW there is a mixture of both legal deposit and archiving for born digital publications (see Table 2).

Table 2: How government publications should be collected under legal deposit or disposition.

	Non-digital	Born Digital
NAA	Deposit 1 copy to 36 libraries (AFDA/LDS) Deposit master copy to Agency library (AFDA/LDS)	Archive (AFDA)
SRNSW	Deposit to 6 copies to 5 deposit libraries (M200015) Core Publications: State Archive (GA 28)	Deposit copy to 5 deposit libraries (M200015) Core Publication: State Archive (GA 28)
SROWA	Deposit 1 copy to each NLA & SLWA (GDAA)	Deposit copy to NLA & SLWA (GDAA)

The research gathered for this paper indicates that publications are not being collected as part of the library collections as required under the regimes described in Table 2. If this is so for the publications of those agencies that are tasked with ‘getting recordkeeping right’, that is, recordkeeping government agencies, are other agencies simply following by example?

Complementing these collection requirements is the Australian Society of Archivists *Statement on Appraisal*. According to the statement’s four key principles, good appraisal:

- Conforms to law;
- Supports accountability and transparency;
- Complies with standards and codes; and
- Is responsive to needs of others.⁶⁹

Use of government publications

One could wonder whether government publications are used in subsequent studies of aspects of government. Grey literature is reused to provide the primary sources for histories of state and federal government agencies such as the Western Australian public libraries⁷⁰

or the Commonwealth Scientific and Industrial Research Organisation (CSIRO).⁷¹ Ephemera are reused in subsequent publications by our collecting institutions as described earlier in this article. Ephemera collections are source material for major research studies and subsequent publications.⁷² In many publications, particularly the more popular 'coffee table' productions, the use of ephemera and associated promotional objects as illustrations makes a publication a saleable item.⁷³ Collections, government and non-government, are frequently scoured for ephemera to produce this type of publication. Government agencies often produce promotional ephemera and objects. The collection of the objects is not covered under any statutory instrument.⁷⁴

The three case studies, namely NAA, SRNSW and SROWA, show that the statutory instruments covering the collection of government publications can be complex and may be contradictory. It is possible that there are many fugitive documents originally published by the NAA, SRNSW and SROWA. The National and State Libraries Australasia (NSLA) submission to a discussion of the extension of legal deposit⁷⁵ includes the assumption that, in the distributed national collection, multiple copies of publications in multiple collections represents duplication. The more substantial documents within grey literature should, under the various disposal authorities, end up in an archive collection. However, this is not the case for those considered non-core grey literature or ephemera.

It would appear that the arrangements for the deposition of government publications should be revisited in both the federal and state jurisdictions, with an associated consideration of the collection documentation of the deposit institutions. At present, in all jurisdictions, there is some degree of discrepancy between the instructions to government agencies via the disposition authorities, and the understanding of the instrument by the deposit institution, which is itself subject to the same disposal authority for its publication.

Conclusion

Publications produced by government agencies as reporting and marketing tools are often in the form of brochures, posters, flyers, booklets and their online equivalents. This material is known as ephemera or grey literature. Within the realm of government, all of this published material is usually scheduled in the relevant disposal authority, or an equivalent internal directive, as being part of legal deposit or as an archive. If collections are to reflect the information available to citizens at any given time, then the statutory authorities that govern the information have a responsibility to ensure that the information is preserved.

Discussion papers from both the NSLA and Australian Library and Information Association⁷⁶ on legal deposit and copyright indicate that legal deposit legislation needs strengthening so that all publications can be collected. The two major collecting bodies in Australia, the NLA

and NAA, have the legislative instruments for publications to be deposited in their repositories under relevant Acts.

A preliminary study of the deposit of the publications under the statutory requirements produced by the NAA, SRNSW and SROWA, within the relevant deposit libraries, suggests that fugitive publications are common. The assumption in this paper that all government publications presented as legal deposit copies are processed by the deposit libraries may not be true. This may explain the data presented in this paper which reveals that the legal deposit of publications produced by the NAA, SRNSW and SROWA is apparently not occurring in accordance with the relevant statutes.

The recordkeeping and library collecting requirements for ephemera and or grey literature have the potential to impact on the opportunities to use this material now and for historical publications. Ensuring current and future access and use also means that the four principles of appraisal must be paramount when considering government publications. It is clear from this research that the recordkeeping and library collecting requirements for government publications are not completely compatible. Clear decisions should be made about who collects what, and who will be accountable for not collecting government publications that are records of permanent value. The future history of the recordkeeping government agencies is in their hands.

¹ Baensch, R. E. (2010). Publishing studies. In M. J. Bates & M. N. Maack (Eds.), *Encyclopedia of library and information sciences* (3rd ed.), (pp. 4372-4379). New York: CRC Press.

² ISBN – International Standard Book Number. One of the many international standard numbers and codes given to media items by the International Standards Organization (see www.iso.org).

³ *What is Ephemera?* Retrieved October 8, 2010, from <http://www.ephemer society.org/whatisephemera.html>.

⁴ Schöpfel, J. & Farace D.J. (2010). Grey Literature. In M. J. Bates & M. N. Maack (Eds.), *Encyclopedia of library and information sciences* (3rd ed.), (pp. 2020-2039). New York: CRC Press.

⁵ *Memento*. Retrieved October 8, 2010, from <http://www.naa.gov.au/about-us/publications/index.aspx>

⁶ *The National Library Magazine*. Retrieved October 8, 2010, from <http://www.nla.gov.au/pub/nlanews/>

⁷ See *Memento* (2010), Issue 39, pp. 14–15 where AWM ARTV09066 is used to illustrate a story on the sinking of the hospital ship *Centaur* May 14, 1943.

⁸ This item not found in the catalogue of the National Library of Australia using the title of the pack. Accessed October 28, 2010.

⁹ See *Memento* (2004), Issue 25, p. 8.

¹⁰ See *Memento* (2001), Issue 16, p. 16.

¹¹ Estivals, Robert (1961). *Le dépôt légal sous l'Ancien Régime (de 1537 à 1791)*. Paris: M. Rivière.

¹² Barrington Partridge, R.C. (1938). *The history of the legal deposit of books throughout the British Empire: a thesis approved for the Honours Diploma of the Library Association*. London: The Library Association.

¹³ Glaister, G.A. (2001). *Encyclopedia of the book* (2nd ed.). New Castle, DE: Oak Knoll Press.

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- ¹⁴ Johns, A. (2009). *Piracy: The intellectual property wars from Gutenberg to Gates*. Chicago, IL: University of Chicago Press.
- ¹⁵ Gilchrist, J. (2005). Copyright deposit, legal deposit or library deposit? The government's role as preserver of copyright material. *QUT Law and Justice Journal* 5(2), 177–194.
- Larivière, J. (2000). The history of legal deposit. In *Guidelines for legal deposit legislation* (Chapter Two). Retrieved October 11, 2010, from <http://archive.ifla.org/VII/s1/gnl/legaldep1.htm>.
- ¹⁶ The *Legal Deposit Libraries Act* 2003 (UK) includes government publications in that the Act states that 'a publisher is to be understood as anyone who issues or distributes publications to the public' (see <http://www.bl.uk/aboutus/stratpolprog/legaldep/index.html#deposit>). Very few items of ephemera are excluded in this legislation.
- ¹⁷ By statute, government information in the United States is not subject to the *Copyright Act* (U.S. Code) (see the U.S. Government Printing Office FAQs at <http://www.gpo.gov/about/faq.htm>). For an explanation of legal deposit requirements in the U.S. see <http://www.copyright.gov/circs/circ07d.pdf>.
- ¹⁸ Larivière (2000). <http://archive.ifla.org/VII/s1/gnl/legaldep1.htm>
- ¹⁹ National Library of Australia. [n.d.]. *Legal deposit*. Retrieved October 11, 2010 from <http://www.nla.gov.au/services/ldeposit.html>.
- ²⁰ Council of Australian State Libraries. (2002). *Comparison of Legislative Acts*. Melbourne: CASL. Retrieved October 11, 2010 from <http://www.nsla.org.au/publications/papers/2002/pdf/NSLA.Paper-20021101-Comparison.of.Legislative.Acts.pdf>
- ²¹ National Library of Australia. [n.d.] *Legal deposit frequently asked questions (FAQ)*. Retrieved October 11, 2010, from <http://www.nla.gov.au/services/LegalDepositFAQ.html#lfaq1>.
- ²² One such statutory instrument is: National Archives of Australia. (2010). *Administrative functions disposal authority (AFDA) (rev.ed.)*, Canberra: NAA. Retrieved October 8, 2010, from http://www.naa.gov.au/Images/AFDA%202010_tcm2-666.pdf
- ²³ Australian Government Information Office. (2010a) *Commonwealth library deposit and free issue scheme (LDS)*. Retrieved October 8, 2010, from <http://www.finance.gov.au/e-government/service-improvement-and-delivery/publishing-information/lids.html>
- ²⁴ Australian Government Information Office (2010a). <http://www.finance.gov.au/e-government/service-improvement-and-delivery/publishing-information/lids.html>
- ²⁵ Australian Government Information Office. (2010b). *Distribution: Deposit schemes*. Retrieved October 11, 2010, from <http://www.finance.gov.au/e-government/service-improvement-and-delivery/publication-guidelines/deposit-schemes.html>
- ²⁶ Australian Government Information Office. (2010c). *Archiving and Presentation: Archiving*. Retrieved October 11, 2010, from <http://www.finance.gov.au/e-government/service-improvement-and-delivery/publication-guidelines/archiving.html>
- ²⁷ Quinn, A. C., Finchum, T. & Malone, C. E. (2010). Government Documents Collection and Management. In M. J. Bates & M. N. Maack (Eds.), *Encyclopedia of library and information sciences* (3rd ed.), (Topical Category 4:4). New York: CRC Press.
- ²⁸ One would assume that, because these documents have been public during their life, the 30 year rule, soon to be 20 year rule, for access would not apply and the publication would continue to be available on the National Archives of Australia website or via Record Search.
- ²⁹ Australian Government Information Office. (2010 d). *Australian Government Publications Register*. Retrieved October 8, 2010, from is available <http://www.publications.gov.au/index.html>.
- ³⁰ National Archives of Australia. (1998). *Records in evidence: the impact of the Evidence Act on Commonwealth recordkeeping*. Canberra: National Archives of Australia. (As searched through <http://www.publications.gov.au/index.html> and <http://www.nla.gov.au>)

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- ³¹ National Archives of Australia (1999) *Recordkeeping metadata standard for Commonwealth agencies* Canberra: National Archives of Australia. (According to the Australian Government Publications Register (<http://www.publications.gov.au/index.html>), this item was initially published as a 139 page document).
- ³² PANDORA is Australia's web archive and is the acronym for Preserving and Accessing Networked Documentary Resources of Australia. It is controlled by the National Library of Australia. PANDORA is not a replacement for the requirement that born digital publications produced by government departments be sentenced as archives. The PANDORA website is available at <http://pandora.nla.gov.au/>.
- ³³ National Archives of Australia. [n.d.]. Records authorities. Retrieved October 11, 2010, from <http://www.naa.gov.au/records-management/keep-destroy-transfer/authorities/index.aspx>
- ³⁴ National Archives of Australia (2010). http://www.naa.gov.au/Images/AFDA%202010_tcm2-666.pdf.
- ³⁵ National Archives of Australia (265, 2010). Item 1932 states that publications must be provided to the National Library of Australia under legal deposit and that the agency adheres to the Library Deposit and Free Issue Scheme. The master set must be deposited in the agency library. http://www.naa.gov.au/Images/AFDA%202010_tcm2-666.pdf
- ³⁶ National Archives of Australia (265, 2010). Item 21188 item states that born digital publications must be retained as national archives. http://www.naa.gov.au/Images/AFDA%202010_tcm2-666.pdf
- ³⁷ National Library of Australia. [n.d.] *Housing the collection*. Retrieved October 1, 2010, from <http://www.nla.gov.au/history/misc-pages/text.html#housing>
- ³⁸ For the National Archives of Australia, the subject terms National Archives of Australia, Australian Archives and Commonwealth Archives Office were used. The National Library of Australia's subject scope note for National Archives of Australia reads, "In January 1973, the Commonwealth Archives Office changed its name to Australian Archives. In March 1998, the name of the Australian Archives was changed to National Archives of Australia. Publications by these bodies are entered under the name used at the time of publication".
- ³⁹ Note: The library's NAA ephemera collection is catalogued in one undated catalogue entry bib ID 1073398. The notes indicate that this item contains "folders of miscellaneous pieces".
- ⁴⁰ National Archives of Australia. (2010). *Strike a Pose ... with Lee Lin Chin*. Retrieved October 11, 2010, from <http://www.naa.gov.au/whats-on/exhibitions/on-tour/strike-a-pose.aspx>
- ⁴¹ National Library of Australia & National Archives of Australia. *An ideal city? The 1912 competition to design Canberra*. Canberra: NLA & NAA.
- ⁴² New South Wales. Premier's Department. (2006a). *Premier's Memorandum M2000-15: Access to published information: Laws, policy and guidelines* (rev.ed.). Retrieved October 8, 2010, from www.dpc.nsw.gov.au/publications/memos_and_circulars/ministerial_memoranda/2000/m2000-15
- ⁴³ State Library of New South Wales. (2009). *Annual report 2008/09: Collection reporting*. Retrieved October 11, 2010, from http://www.sl.nsw.gov.au/about/publications/annual_reports/2009/part1/Collection-Additions_Deposits-Donations-Transfers.html
- ⁴⁴ State Records New South Wales (2009) Recordkeeping in brief 38: Keeping publications and promotional materials as records. Retrieved October 1, 2010, from <http://www.records.nsw.gov.au/recordkeeping/government-recordkeeping-manual/guidance/recordkeeping-in-brief/recordkeeping-in-brief-38>
- ⁴⁵ Government Information (Public Access) Act (NSW), (2009). Retrieved November 1, 2010, from <http://www.legislation.nsw.gov.au/sessionalview/sessional/act/2009-52.pdf>
- ⁴⁶ State Records Authority of New South Wales. [n.d.]. *Milestones in our history*. Retrieved October 1, 2010, from <http://www.records.nsw.gov.au/about-us/about-us#milestones-in-our-history>
- ⁴⁷ Hurley, C. (1998). From dust bins to disk-drives and now dispersal: the *State Records Act 1998* (New South Wales) *Archives and Manuscripts* 26(2): 390–409. Retrieved October 1, 2010, from <http://www.infotech.monash.edu.au/research/groups/rcrg/publications/howtodispersal.html>

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- ⁴⁸ State Records Authority of New South Wales. [n.d.]. *About us*. Retrieved October 21, 2010, from <http://www.records.nsw.gov.au/about-us/about-us>
- ⁴⁹ State Records Authority of New South Wales. (2009). *Administrative records (GA 28)* (rev.ed.). Retrieved October 1, 2010, from <http://www.records.nsw.gov.au/recordkeeping/government-recordkeeping-manual/rules/general-retention-and-disposal-authorities/administrative-records-ga28/administrative%20records-ga28/>
Note: This is under the assumption that State Records Authority of New South Wales authority exists or, if it does, that the disposition of publications is similar to the GA 28.
- ⁵⁰ State Records Authority of New South Wales. (2009). *Administrative records (GA 28)- Exhibitions*. (rev.ed.): Retrieved October 1, 2010, <http://www.records.nsw.gov.au/recordkeeping/government-recordkeeping-manual/rules/general-retention-and-disposal-authorities/administrative-records-ga28/part-1-the-general-retention-and-disposal/ga28-part-1-community-relations>
Note: This disposition specifically excludes exhibition catalogues of non-collecting institutions.
- ⁵¹ New South Wales. Premier's Department. (2006). *Access to published information: Laws, policy and guidelines* (rev.ed.), (p.5). Retrieved October 8, 2010, from http://www.dpc.nsw.gov.au/_data/assets/pdf_file/0005/15881/AccessPublishedInfoApr06.pdf.
- ⁵² New South Wales. Premier's Department. (3-4, 2006). http://www.dpc.nsw.gov.au/_data/assets/pdf_file/0005/15881/AccessPublishedInfoApr06.pdf
Note: Deposit in the agency library is 'at odds' with the directive provided in GA 28 2.14.2 which states "one copy of each publication may be placed in the organisation's library".
- ⁵³ New South Wales. Premier's Department. (4, 2006). http://www.dpc.nsw.gov.au/_data/assets/pdf_file/0005/15881/AccessPublishedInfoApr06.pdf
- ⁵⁴ State Records New South Wales. (2009) <http://www.records.nsw.gov.au/recordkeeping/government-recordkeeping-manual/guidance/recordkeeping-in-brief/recordkeeping-in-brief-38>.
- ⁵⁵ For the State Records Authority of New South Wales, the subject terms State Records Authority of New South Wales, Archives Authority of New South Wales, Archives Office of New South Wales and New South Wales. Records Management Office were used. The National Library of Australia has the following scope note for Archives Authority of New South Wales: "The Archives Authority and its operational arms were replaced by the State Records Authority of New South Wales, which came into being on 1 January 1999 with the commencement of the State Records Act 1998". The National Library of Australia further refers the searcher to the Archives Office of New South Wales and New South Wales Records Management Office, all of which have items catalogued against these subjects.
- ⁵⁶ State Records New South Wales. [n.d]. <http://www.records.nsw.gov.au/state-archives/guides-and-finding-aids/archives-in-brief>
- ⁵⁷ Library Board of Western Australia Act, 1951. Retrieved August 1, 2010, from http://www.slwa.wa.gov.au/about_us/legislation_and_the_library_act/library_board_act.
- ⁵⁸ State Records Office of Western Australia. (2003, 2006). *General Disposal Authority for Administrative Records, RD 2003016*. Perth, WA: State Records Commission. Retrieved August 1, 2010, from <http://www.sro.wa.gov.au/pdfs/GDA-Admin.pdf>
- ⁵⁹ Western Australia. Department of the Premier and Cabinet. (2003). *Premier's Circular 2003/17: Requirements for Western Australian Government Publications and Library Collections*. Retrieved August 11, 2010, from <http://www.dpc.wa.gov.au/GuidelinesAndPolicies/PremiersCirculars/Lists/Circular/Attachments/69/200317%20-%20Requirements%20for%20Western%20Australian%20Government%20Publications%20and%20Library%20Collections.pdf>
- ⁶⁰ Western Australia. Department of the Premier and Cabinet. (2003). <http://www.dpc.wa.gov.au/GuidelinesAndPolicies/PremiersCirculars/Lists/Circular/Attachments/69/200317%20-%20Requirements%20for%20Western%20Australian%20Government%20Publications%20and%20Library%20Collections.pdf>
- ⁶¹ State Records Office of Western Australia. (2008). *A brief history*. Retrieved August 21, 2010, from <http://www.sro.wa.gov.au/about/history.asp>

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- ⁶² Lukis, M. (1947). *The work of the Western Australian Archives Department*. Perth, W.A.: ANZAAS.
- ⁶³ Western Australian Functional Review Committee. (1988). *Review of public records management, storage and retrieval*. Perth: The Committee.
- ⁶⁴ State Archives of Western Australia. (1990). *Bankruptcy records of the Supreme Court of Western Australia* compiled by the State Archives of Western Australia.
- ⁶⁵ State Records Office of Western Australia (2003, 2006). <http://www.sro.wa.gov.au/pdfs/GDA-Admin.pdf>
Note: This is under the assumption that no State Records Office of Western Australia authority exists or if it does that the disposition of publications is similar to the GDAA.
- ⁶⁶ Note: This circular has been superseded by Premier's Circular 2003/17.
<http://www.dpc.wa.gov.au/GuidelinesAndPolicies/PremiersCirculars/Lists/Circular/Attachments/69/200317%20-%20Requirements%20for%20Western%20Australian%20Government%20Publications%20and%20Library%20Collections.pdf>
- ⁶⁷ For the State Records Office of Western Australia, the subject terms State Records Commission of Western Australia, State Records Office of Western Australia, State Archives of Western Australia were used.
Note: The terms State Film Archives of Western Australia and the State Film Centre of Western Australia were not included in this search. The history of the State Archives and its relationship with the State Library of Western Australia is provided by: Forte, C. (2003). From strength to strength: The evolution of Western Australia's library service. *Australian Academic & Research Libraries*, 13(4): 251–265.
- ⁶⁸ Note: There are many entries in the State Library of Western Australia catalogue for items during this period and in to the 1990s. They are not for government publications but for private archives.
- ⁶⁹ Australian Society of Archivists (2007) Appraisal Statement Brisbane: ASA. Available at <http://www.archivists.org.au/about/policies-statements-mous>. Accessed Dec 13 2010.
- ⁷⁰ Gallaher, P. (1990). Public library services with emphasis on country areas. In R. Sharman & L. Clyde (Eds.) *Western perspectives: Library and information services in Western Australia* (pp. 59–65). Perth: ALIA (WA)
- ⁷¹ Collis, B. (2002). *Fields of discover: Australia's CSIRO*. Crow's Nest, NSW: Allen & Unwin.
- ⁷² For example: Bosworth, M. (2003). *Families and food: Wartime tucker*. Paper presented at From Curtin to Coombs: War and peace in Australia Seminar at Curtin University of Technology, March 25, 2003. Retrieved October 1, 2010, from <http://john.curtin.edu.au/events/seminar2003.html>.
Davidson, J. & Spearritt, P. (2000). *Holiday business: Tourism in Australia since 1870*. Carlton South, Vic: Miegunyah Press.
- ⁷³ Nice, R. (Ed.). (2000). *State of the Waratah: The floral emblem of New South Wales in legend, art and industry; an illustrated souvenir*. Sydney: Royal Botanic Gardens.
Symon, D. & Jusaitis, M. (2007) *Sturt Pea: A most splendid plant*. Adelaide: Board of Botanic Gardens & State Herbarium.
- ⁷⁴ For example, the GA 28 2.14.2 states "Note: Promotional objects such as t-shirts, badges, banners etc. are not generally considered to be records and their disposal is not covered by this authority. Records relating to their development, however, may be sentenced according to this entry". The sentence, "destroy when superseded or when reference ceases" is given to the records. This means that there is neither the object nor a record of the object.
- ⁷⁵ National and State Libraries Australasia. (2008). *2007 Discussion paper on the extension of legal deposit*. Retrieved October 21, 2010, from <http://www.nsla.org.au/publications/submissions/>
- ⁷⁶ Australian Library and Information Association. (2008). *Submission to the 2007 discussion paper on the extension of legal deposit*. Canberra: ALIA. Retrieved December 13, 2010, from <http://www.alia.org.au/advocacy/submissions/extension.of.legal.deposit.pdf>

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